

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1136**

---

**Introduced by Senator Morrell**

**(Coauthors: Senators Anderson, Gaines, McGuire, and Nielsen)**

(Coauthors: Assembly Members Bigelow, Harper, and Olsen)

February 18, 2016

---

An act to amend Section 4214 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 1136, as amended, Morrell. Fire prevention: state responsibility areas: report.

Existing law requires the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee in amount not to exceed \$150 to be charged on each *habitable* structure, ~~defined as a building used or intended to be used for human habitation,~~ *as defined*, on a parcel that is within a state responsibility area, as defined. Existing law requires the state board to adjust the fire prevention fee annually using prescribed methods, and requires the state board, until January 31, 2017, to *submit a* report to the Legislature every January 31 on the status and uses of the ~~fund~~; *fund, containing specified information and recommendations*.

This bill would extend to January 31, 2021, the time until which the state board is required to *submit the* report to the Legislature, and would additionally require that the report include specified information on each program *and subprogram* for which the Department of Forestry and Fire Protection uses money generated from that fire prevention fee.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4214 of the Public Resources Code is amended to read:

4214. (a) Fire prevention fees collected pursuant to this chapter shall be expended, upon appropriation by the Legislature, as follows:

(1) The State Board of Equalization shall retain moneys necessary for the payment of refunds pursuant to Section 4228 and reimbursement of the State Board of Equalization for expenses incurred in the collection of the fee.

(2) The moneys collected, other than those retained by the State Board of Equalization pursuant to paragraph (1), shall be deposited into the State Responsibility Area Fire Prevention Fund, which is hereby created in the State Treasury, and shall be available to the board and the department to expend for fire prevention activities specified in subdivision (d) that benefit the owners of habitable structures within a state responsibility area who are required to pay the fire prevention fee. The amount expended to benefit the owners of habitable structures within a state responsibility area shall be commensurate with the amount collected from the owners within that state responsibility area. All moneys in excess of the costs of administration of the board and the department shall be expended only for fire prevention activities in counties with state responsibility areas.

(b) (1) The fund may also be used to cover the costs of administering this chapter.

(2) The fund shall cover all startup costs incurred over a period not to exceed two years.

(c) It is the intent of the Legislature that the moneys in this fund be fully appropriated to the board and the department each year in order to effectuate the purposes of this chapter.

(d) Moneys in the fund shall be used only for the following fire prevention activities, which shall benefit owners of habitable structures within the state responsibility areas who are required to pay the annual fire prevention fee pursuant to this chapter:

(1) Local assistance grants pursuant to subdivision (e).

(2) Grants to Fire Safe Councils, the California Conservation Corps, or certified local conservation corps for fire prevention projects and activities in the state responsibility areas.

1 (3) Grants to a qualified nonprofit organization with a  
2 demonstrated ability to satisfactorily plan, implement, and complete  
3 a fire prevention project applicable to the state responsibility areas.  
4 The department may establish other qualifying criteria.

5 (4) Inspections by the department for compliance with defensible  
6 space requirements around habitable structures in state  
7 responsibility areas as required by Section 4291.

8 (5) Public education to reduce fire risk in the state responsibility  
9 areas.

10 (6) Fire severity and fire hazard mapping by the department in  
11 the state responsibility areas.

12 (7) Other fire prevention projects in the state responsibility  
13 areas, authorized by the board.

14 (e) (1) The board shall establish a local assistance grant program  
15 for fire prevention activities designed to benefit habitable structures  
16 within state responsibility areas, including public education, that  
17 are provided by counties and other local agencies, including special  
18 districts, with state responsibility areas within their jurisdictions.

19 (2) In order to ensure an equitable distribution of funds, the  
20 amount of each grant shall be based on the number of habitable  
21 structures in state responsibility areas for which the applicant is  
22 legally responsible and the amount of moneys made available in  
23 the annual Budget Act for this local assistance grant program.

24 (f) By January 31, 2015, and annually thereafter, the board shall  
25 submit to the Legislature a written report on the status and uses of  
26 the fund pursuant to this chapter. The written report shall include  
27 *a all of the following for each reporting period:*

28 (1) *A description of each program and subprogram element for*  
29 *which the department uses money generated from the fire*  
30 *prevention fee, including an itemized accounting of expenditures*  
31 *for each program and subprogram, ~~an subprogram element.~~*

32 (2) *An evaluation of the benefits received by counties based on*  
33 *the number of habitable structures in state responsibility areas*  
34 *within their jurisdictions, the effectiveness of the board's grant*  
35 *programs, the number of defensible space inspections in the*  
36 *reporting period, the degree of compliance with defensible space*  
37 *requirements, and measures to increase compliance, if ~~any, and~~*  
38 *~~any recommendations~~ any.*

39 (3) *An accounting of expenditures for equipment.*

40 (4) *Positions that are associated with each expenditure.*

1     (5) *A description of the grants awarded and expenditures of*  
2     *grant moneys.*

3     (6) *Any recommendations to the Legislature on the status and*  
4     *uses of the fund.*

5     (g) (1) The requirement for submitting a report imposed under  
6     subdivision (f) is inoperative on January 31, 2021, pursuant to  
7     Section 10231.5 of the Government Code.

8     (2) A report to be submitted pursuant to subdivision (f) shall be  
9     submitted in compliance with Section 9795 of the Government  
10    Code.

11    (h) It is essential that this article be implemented without delay.  
12    To permit timely implementation, the department may contract  
13    for services related to the establishment of the fire prevention fee  
14    collection process. For this purpose only, and for a period not to  
15    exceed 24 months, the provisions of the Public Contract Code or  
16    any other provision of law related to public contracting shall not  
17    apply.